

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Tennessee Gas Pipeline Company |) | File Number EB-02-BF-399 |
| Owner of Antenna Structure #1009025 in |) | NAL/Acct. No. 200332280007 |
| Syracuse, New York |) | FRN: 0001-6428-83 |
| |) | |
| |) | |

MEMORANDUM OPINION AND ORDER

Adopted: August 13, 2004

Released: August 17, 2004

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* ("Order"), we cancel a thirteen thousand dollar (\$13,000) *Notice of Apparent Liability for Forfeiture* ("NAL")¹ issued to Tennessee Gas Pipeline Company ("Tennessee Gas"), owner of antenna structure #1009025 in Syracuse, New York for its apparent willful and repeated violation of Sections 17.4(a) and 17.50 of the Commission's Rules ("Rules").² The alleged violation involved Tennessee Gas's failure to properly register and clean and repaint its antenna structure to maintain good visibility. Based on our review of Tennessee Gas's response to the NAL and the overall record, which showed that Tennessee Gas had registered its tower and installed strobe lights, we conclude that Tennessee Gas did not willfully and repeatedly violate Sections 17.4(a) and 17.50 of the Rules. Thus, we conclude that no forfeiture should be imposed.

2. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934 as amended, and Section 1.80(f)(4) of the Rules,³ the instant *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332280007, **IS CANCELLED**.

3. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail, Return Receipt Requested, and by First Class Mail to Tennessee Gas Pipeline Company, 1001 Louisiana, Houston, TX 77002.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332280007 (Enf. Bur., Buffalo Office, released March 12, 2003).

² 47 C.F.R. §§ 17.4(a) and 17.50.

³ 47 U.S.C. § 504(b); 47 C.F.R. § 1.80(f)(4).